

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

CHRISTY PIZZOLATO

CIVIL ACTION NO. 08-CV-0453

VS.

JUDGE MELANÇON

**MICHAEL J. ASTRUE
COMMISSIONER SOCIAL SECURITY
ADMINISTRATION**

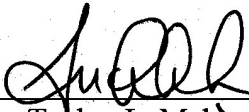
MAGISTRATE JUDGE METHVIN

JUDGMENT

This matter was referred to United States Magistrate Judge Mildred E. Methvin for her Report and Recommendation. After an independent review of the record and the applicable jurisprudence, and noting the absence of objection, this Court concludes that the Findings and Recommendation of the magistrate judge are correct and this Court adopts the conclusions set forth therein.

Accordingly, **IT IS ORDERED, ADJUDGED AND DECREED** that the Commissioner's decision is **REVERSED AND REMANDED**. On remand, the ALJ shall use the services of a vocational expert in order to make a finding whether there are jobs in the economy that Pizzolatto can perform.¹

Lafayette, Louisiana this 11th day of August, 2009.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE

¹ This constitutes a "final judgment" that triggers the filing period for an EAJA fee application. Shalala v. Schaeffer, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); Freeman v. Shalala, 2 F.3d 552 (5th Cir. 1993).